

REMARKS

Claims 80-97 are pending in the application.

Claims 80-97 have been rejected.

Claim 87 has been amended, as set forth herein.

I. **OBJECTIONS**

Claim 87 was objected to due to an informality. Claim 87 has been amended to correct the noted informality.

The Abstract has been objected to because the number of words exceeds 150. When all pending claims in this application are allowable, Applicant shall amend the Abstract to conform with 37 CFR 1.72(b). Further, Applicant notes that the Abstract in this application is the same abstract as set forth in the parent application which has matured into U.S. Patent No. 6,597,700.

II. **DOUBLE PATENTING REJECTION**

Claims 80-93 were rejected on the ground of nonstatutory double patenting over U.S. Patent No. 6,597,700. Applicant assumes that this rejection is based on obviousness-type double patenting.

Applicant shall file a proper and timely terminal disclaimer when this rejection is the only remaining rejection/objection of the pending claims.

III. **REJECTION UNDER 35 U.S.C. § 103**

Claims 94-97 were rejected under 35 U.S.C. § 103(s) as being unpatentable over Sagawa (US Patent No. 5,222,064) in view of Jain (US Patent No. 5,737,601). The rejection is respectfully traversed.

In *ex parte* examination of patent applications, the Patent Office bears the burden of establishing a *prima facie* case of obviousness. MPEP § 2142; *In re Fritch*, 972 F.2d 1260, 1262, 23 U.S.P.Q.2d 1780, 1783 (Fed. Cir. 1992). The initial burden of establishing a *prima facie* basis to deny patentability to a claimed invention is always upon the Patent Office. MPEP § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Piasecki*, 745 F.2d 1468, 1472, 223 U.S.P.Q. 785, 788 (Fed. Cir. 1984). Only when a *prima facie* case of obviousness is established does the burden shift to the applicant to produce evidence of nonobviousness. MPEP § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Rijckaert*, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). If the Patent Office does not produce a *prima facie* case of unpatentability, then without more the applicant is entitled to grant of a patent. *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Grabiak*, 769 F.2d 729, 733, 226 U.S.P.Q. 870, 873 (Fed. Cir. 1985).

A *prima facie* case of obviousness is established when the teachings of the prior art itself suggest the claimed subject matter to a person of ordinary skill in the art. *In re Bell*, 991 F.2d 781, 783, 26 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1993). To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed invention and

the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. MPEP § 2142.

Neither of the cited references disclose “locally owned address entries” or “remotely owned address entries,” or distinguish between these two types of address entries - as described in Applicant’s specification. In fact, Jain simply describes the replication of “data” between databases, and this data is described as inventory data (an inventory table: item and quantity on hand) and customer order data (order information associated with a customer’s order). See, Jain, Col. 5, lines 35-45. No disclosure of locally owned addresses or remotely owned addresses is apparent or even contemplated. As such, Applicant respectfully submits that there exists no teaching or suggestion to combine Jain’s replication of inventory and customer order information with Sagawa’s communication bridge apparatus. Even if combined, such combination would not produce or generate Applicant’s invention as claimed.

Accordingly, the Applicant respectfully requests withdrawal of the § 103(a) rejection of Claims 94-97.

IV. CONCLUSION

As a result of the foregoing, the Applicant asserts that the remaining Claims in the Application are in condition for allowance, and respectfully requests an early allowance of such Claims.

If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *rmccutcheon@munckbutrus.com*.

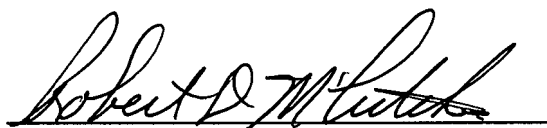
The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Munck Butrus Deposit Account No. 50-0208.

Respectfully submitted,

MUNCK BUTRUS, P.C.

Date:

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